

## EXECUTIVE MESSAGE.

EXECUTIVE OFFICE,  
STATE OF TEXAS.

Austin, Texas, January 17, 1901.

To the Senate:

The advice and consent of the Senate is asked to the appointment of R. M. Franklin as judge of the Fifty-sixth Judicial District in place of E. D. Cavin, resigned.

JOSEPH D. SAYERS,  
Governor.

## REGULAR ORDER.

The Chair then laid before the Senate, Senate bill No. 30, A bill to be entitled "An Act for the relief of railway corporations and belt and suburban railway companies, having charters granted or amended since the first day of January, 1887, and which have failed, or about to fail, to construct their roads and branches, or any part thereof, within the time required by law," action being on second reading and passage to engrossment.

Bill was read second time, and ordered engrossed.

## EXCUSED.

On motion of Senator Neal, Senator Yett was excused indefinitely on account of sickness.

On motion of Senator Hanger, Senator Sebastian was excused from attendance upon the Senate for today on account of sickness.

On motion of Senator Patterson, Senator Johnson was excused from attendance upon the Senate indefinitely on account of sickness.

## RESOLUTION REFERRED.

The Chair laid before the Senate, House Concurrent Resolution No. 2, reported on yesterday, which was read and referred to Committee on Rules.

On motion of Senator Patterson, the Senate, at 11:45 o'clock a. m., adjourned until 10 o'clock a. m. tomorrow.

## NINTH DAY.

Senate Chamber.

Austin, Tex., Friday, Jan. 18, 1901.

Senate met pursuant to adjournment.

President Pro Tem. Miller in the chair.

Roll called. Quorum present, the fol-

lowing Senators answering to their names:

Present—25.

Beaty.	Neal.
Davidson of	Odell.
DeWitt.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Goss.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Turner.
James.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
McGee.	Yett.
Miller.	

Absent—3.

Harris of Hunt. Swann.  
Sebastian.

Absent—Excused.

Grinnan. Turney.  
Johnson.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Wilson, the same was dispensed with.

## EXCUSED.

On motion of Senator Odell, Senator Sebastian was excused from attendance upon the Senate indefinitely on account of sickness.

## COMMITTEE REPORTS.

Committee Room,

Austin, Texas, January 17, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 44, being a bill to be entitled "An Act to amend Article 1851, Chapter 2, Title XXXIX, of the Revised Statutes of the State of Texas, prescribing what papers shall be recorded in the probate minutes, and to repeal all laws and parts of laws in conflict therewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAFFORD, Chairman.

Committee Room,

Austin, Texas, January 17, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 43, being a bill to be entitled "An Act to amend Article 2556, Chapter 1, Title LI, of the Revised Statutes of the State of Texas, prescribing the papers that shall be copied at length in the minutes of the court, and to repeal all laws and parts of laws in conflict therewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, January 17, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 42, being a bill to be entitled "An Act to amend Section 1, Chapter 128, of the Acts of the Twenty-sixth Legislature, sent to the Governor for his approval on the 20th day of May, A. D. 1899,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, January 17, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 12, being a bill to be entitled "An Act to provide for the creation of level premium mutual life insurance companies in this State, and for the regulation thereof,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, January 17, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 13, being a bill to be entitled "An Act to define the character and quality of possession of real property which is sufficient to operate as constructive notice of the possessor's right or title thereto,"

Have had the same under consideration, and I am instructed to report the

same back to the Senate with the recommendation that it *do pass*.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, January 17, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 61, being a bill to be entitled "An Act to regulate primary elections and conventions; to prescribe the manner of holding the same, making returns, declaring the results, and for regulating illegal practices therein, and to prescribe the conditions of participating therein,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, January 17, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 35, being a bill to be entitled "An Act to amend Subdivision 23, Article 1194, Title XXX, and Article 1484, Title XXX, so as to fix the venue of suits against the railroad corporations or any assignee, trustee or receiver operating their railway in the county in which the cause of action against them for a part thereof arises,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that Committee Substitute bill, being a bill to be entitled "An Act to fix the venue of suits against railroad corporations or against any assignee, trustee or receiver operating railways, for damages arising from personal injuries resulting in death or otherwise, and to repeal all laws and parts of laws in conflict with the provisions of this act," be passed in lieu thereof.

S. S. B. No. 35.] [By Committee.

# A BILL

## TO BE ENTITLED

An Act to fix the venue of suits against railroad corporations or against any assignee, trustee, or receiver, operating railways for damages arising from personal injuries, resulting in death or otherwise, and to repeal all laws and parts of laws in conflict with the provisions of this act.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That all suits against railroad corporations, or against any assignee, trustee or receiver operating any railway in the State of Texas, for damages arising from personal injuries resulting in death or otherwise, shall be brought either in the county in which the injury occurred or in the county in which the plaintiff resides at the time of the injury; provided, that if the defendant railroad corporation does not run or operate its railway in or through the county in which the plaintiff resides and has no agent in said county, then said suit shall be brought either in the county in which the injury occurred or in the county nearest that in which the plaintiff resided at the time of the injury in which the defendant corporation runs or operates its road or has an agent; and provided further, that in case that the plaintiff is a non-resident of the State of Texas, then such suit may be brought in any county in which the defendant corporation may run or operate its railroad or may have an agent.

SEC. 2. That all laws and parts of laws in conflict with any of the provisions of this act be and the same are hereby repealed.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, January 18, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 4, being a bill to be entitled "An Act to amend Articles 149 and 150 of the Criminal Code of the State of Texas, making it a violation of the law to pay or offer to pay money or other thing of value to any person, organization or association for their vote, aid or influence in any election, and providing punishment for both those offering and those receiving such money or other thing of value,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Floor report—Miller, Turner, Beaty, McGee and Goss.

MILLER, Acting Chairman.

Committee Room,  
Austin, Texas, January 17, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 10, being a bill to be entitled "An Act to authorize the International & Great Northern Railroad Company to purchase, own and operate as a part of its line the railroad of the Calvert, Waco & Brazos Valley Railroad Company, together with all the franchises and property incident or appertaining thereto; and to authorize the Calvert, Waco & Brazos Valley Railroad Company to sell its said railroad, together with all the franchises and property incident or appertaining thereto to the International & Great Northern Railroad Company; and to authorize said International & Great Northern Railroad Company to issue and negotiate its bonds, secured or to be secured by mortgage or mortgages, subject to the laws of the State of Texas governing the issuance and negotiation of bonds by railroad companies; and to authorize said International & Great Northern Railroad Company to construct, own and operate as part of its line the unfinished portion of the railroad of said Calvert, Waco & Brazos Valley Railroad Company, between the termini of the latter company as defined in its charter and amendments thereto, and to construct, own and operate as part of its line extensions and branches thereof under or as authorized in and by the charter of said International & Great Northern Railroad Company, or any amendment thereof made or to be made in pursuance of general laws of the State of Texas; to regulate reports of the property to be purchased from said Calvert, Waco & Brazos Valley Railroad Company and the operation thereof, after the purchase thereof by said International & Great Northern Railroad Company, and to prescribe the conditions upon which said purchase and sale shall take effect and be dependent; and to authorize said companies to execute all necessary contracts, agreements and conveyances to accomplish said purchase and sale."

And find the same correctly engrossed.

BEATY, Chairman.

Committee Room,  
Austin, Texas, January 17, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 30, being a bill to be entitled "An Act for the relief of railway corporations and belt and suburban railway companies, having charters granted or amended since the first day

of January, 1887, and which have failed, or about to fail, to construct their roads and branches, or any part thereof, within the time required by law,"

And find the same correctly engrossed.  
BEATY, Chairman.

#### BILLS AND RESOLUTIONS.

The following bills were introduced:

By Senator Wilson:

Senate bill No. 69, A bill to be entitled "An Act to amend an Act passed by the Twenty-fifth Legislature, entitled 'An Act to amend Article 976, Chapter 8, Title XXVII, of the Revised Civil Statutes of the State of Texas, relating to the payment of costs and returning mandates in the Supreme Court,' by adding thereto Article 976a, regulating the time in which mandates may be taken out of the Supreme Court."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Potter:

Senate bill No. 70, A bill to be entitled "An Act to validate the titles to certain lands located and patented in Carson, Dallam and Hutchinson counties since July 14, 1879."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Yett:

Senate bill No. 71, A bill to be entitled "An Act to amend Articles 3481 and 3498a, of Title LXXI, of the Revised Civil Statutes of the State of Texas, relating to mines and mining."

Read first time, and referred to Committee on Mining and Irrigation.

By Senator Lipscomb:

Senate bill No. 72, A bill to be entitled "An Act to provide for a mineral survey of the State of Texas."

Read first time, and referred to Committee on Mining and Irrigation.

By Senator Staples:

Senate bill No. 73, A bill to be entitled "An Act to create a bureau of labor statistics for the State of Texas."

Read first time, and referred to Committee on Labor.

By Senators Odell and Harris of Bexar:

Senate bill No. 74, A bill to be entitled "An Act to prevent the running of more than one working locomotive on one train on any railroad, and providing a penalty and remedy for the violation of the provisions of said act."

Read first time, and referred to Committee on Labor.

By Senator Dibrell:

Senate bill No. 75, A bill to be entitled

"An Act defining a further cause of continuance in civil and criminal cases, and to declare an emergency."

Read first time, and referred to Judiciary Committee No. 1.

Morning call concluded.

#### HOUSE MESSAGE.

Hall of the House of Representatives.  
Austin, Texas, January 18, 1901.

To Hon. J. N. Browning, President of the Senate.

MR. PRESIDENT: I am directed by the House to inform the Senate that the House has passed the following resolution:

House Concurrent Resolution No. 5:

Whereas, The grim angel of death has removed from our midst Hon. Web Ridling, a faithful servant of his people and distinguished citizen of Texas and an honorable and beloved representative of his people; therefore, it is

Resolved by the House of Representatives, the Senate concurring, that in the death of the Hon. Web Ridling a worthy and noble citizen has gone, the House has lost an able member and Texas one of its patriotic sons.

Resolved, That we extend to the bereaved relatives our heartfelt sympathy in this their hour of grief.

Resolved further, That a committee consisting of nine members, three from the Senate and six from the House, be appointed to take charge of the body and accompany it to the place of final interment.

[Signed—Evans, Mulkey, Stell, Wells of Grayson, Kennedy of Limestone, Boyd, Hemphill, McInnis, Calvin, Stollenwerck.]

JOE J. HENDERSON,  
Acting Chief Clerk House of Representatives.

By unanimous consent, Senator Wheeler called up the foregoing House concurrent resolution, and moved its adoption.

The resolution was read and unanimously adopted by a rising vote.

The Chair then announced Senators Wheeler, McGee and Harris of Hunt as the committee on part of the Senate created by the resolution.

#### MOTION CALLED UP.

Senator Lloyd called up his motion reconsidering the vote by which the resolution allowing postage to Senate officers and assistant officers was passed (see Journal of January 15.)

Rising vote on the foregoing developed

no quorum voting, and the Chair ordered the roll called.

The motion to reconsider prevailed by the following vote:

Yeas—13.

Goss.	Potter.
Harris of Bexar.	Staples.
James.	Turner.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
McGee.	Wilson.
Odell.	

Nays—11.

Beaty.	Miller.
Davidson of	Neal.
DeWitt.	Patterson.
Davidson of	Paulus.
Galveston.	Stafford.
Dibrell.	Yett.
Hanger.	

Present—Not voting.

Savage.

Absent.

Harris of Hunt. Swann.

Absent—Excused.

Grinnan.	Sebastian.
Johnson.	Turney.

Senator Lloyd then offered the following substitute:

Resolved, That all elective officers and the Postmaster be allowed \$5.00 for postage during the present session.

#### HOUSE MESSAGES.

A messenger from the House being announced, delivered the following messages:

Hall of the House of Representatives.  
Austin, Texas, January 18, 1901.

*To Hon. J. N. Browning, President of the Senate.*

MR. PRESIDENT: I am directed by House to inform the Senate that the House has passed the following resolution:

House Concurrent Resolution No. 4, Providing for a joint committee to arrange for the election of a United States Senator.

LEE J. ROUNTREE,  
Chief Clerk House of Representatives.

Hall of the House of Representatives.  
Austin, Texas, January 18, 1901.

*To Hon. J. N. Browning, President of the Senate.*

MR. PRESIDENT: I am directed by House to inform the Senate that the House has passed the following resolution:

House Concurrent Resolution No. 4:

Resolved, That the House of Representatives, the Senate concurring, that a joint committee shall be appointed, consisting of three members of the House, to be appointed by the Speaker, and three members of the Senate, to be appointed by the President of the Senate, whose duty it shall be to arrange the Hall and arrange for the election of a United States Senator.

LEE J. ROUNTREE,  
Chief Clerk House of Representatives.

#### PENDING BUSINESS.

Action recurring on the substitute for the resolution offered by Senator Lloyd, the same was lost.

Senator Davidson of DeWitt offered the following amendment:

"Amend by striking out all the assistants mentioned in the resolution."

The amendment was lost.

Action recurring on passage of the resolution as originally introduced, Senator Wheeler moved to table the same.

Motion to table was lost.

Action again recurring on passage of resolution,

The resolution was lost.

Senator Dibrell offered the following resolution:

Resolved, That Senate Committee Room No. 1, now occupied by the State Revenue Agent, be set aside for the Committee on Finance, and that the Sergeant-at-Arms be requested to clear said room and prepare same for said committee.

Resolution was read second time, and adopted.

#### SPECIAL ORDER.

The Chair then laid before the Senate, special order for this hour,

Senate bill No. 11, A bill to be entitled "An Act to provide for the organization of private corporations, traction companies, for the purpose of constructing, acquiring, maintaining and operating electric inter-urban roads between and connecting different cities, towns and villages, and into, through and over public streets of the different cities, towns and villages reached by same, and to furnish light and power to consumers; to provide the manner and method of organizing said corporations; to prescribe the rights, powers, privileges and duties of said corporations; to authorize said corporations to construct, acquire, operate and maintain such electric roads, own, use and occupy lands, easements, buildings and structures; to empower such corporations to condemn lands and

other property for the use and purposes of such corporations, and to provide the method therefor; to issue stock and bonds and to borrow money, and to mortgage its franchise and property," action being on the following pending amendment by Senator Potter:

"Amend by adding at the end of Section 4 the following: 'Provided, all corporations created by or operating under the provisions of this act shall be subject to the provisions of Chapter 14, Title XCIV, of the Revised Statutes of the State of Texas, known as the stock and bond law. But the Railroad Commission of this State shall have power in its discretion to provide for the issuance and registration of stock and bonds to the extent of not more than twenty-five per cent. over the actual cost of such road upon a satisfactory showing that such stocks and bonds can only be sold at a discount, and in no event shall the overplus of stocks and bonds herein permitted exceed the amount required to be sold to produce the amount of the cost of such road.'"

Senator Turner offered the following amendment to the foregoing amendment:

"Amend the amendment by inserting the word 'fifty' in lieu of the words 'twenty-five' wherever same occur therein."

The amendment to the amendment was adopted by the following vote:

Yeas—15.

Beaty.	Neal.
Davidson of	Patterson.
Galveston.	Paulus.
Goss.	Savage.
Hanger.	Staples.
James.	Turner.
Lipscomb.	Wayland.
Miller.	Wilson.

Nays—8.

Harris of Bexar.	Potter.
Lloyd.	Stafford.
McGee.	Wheeler.
Odell.	Yett.

Absent.

Davidson of	Harris of Hunt.
DeWitt.	Swann.
Dibrell.	

Absent—Excused.

Grinnan.	Sebastian.
Johnson.	Turney.

The amendment by Senator Potter, as amended by Senator Turner, was then read and adopted.

Action being on engrossment of the bill, the same was ordered.

On motion of Senator Hanger, the constitutional rule requiring bills to be read

on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Beaty.	Neal.
Davidson of	Odell.
DeWitt.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Goss.	Savage.
Hanger.	Staples.
Harris of Bexar.	Turner.
James.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
McGee.	Yett.
Miller.	

Nays—1.

Stafford.

Absent.

Dibrell.	Swann.
Harris of Hunt.	

Absent—Excused.

Grinnan.	Sebastian.
Johnson.	Turney.

The bill was read third time, and passed by the following vote:

Yeas—22.

Beaty.	McGee.
Davidson of	Miller.
DeWitt.	Neal.
Davidson of	Patterson.
Galveston.	Paulus.
Dibrell.	Savage.
Goss.	Staples.
Hanger.	Turner.
Harris of Bexar.	Wayland.
James.	Wheeler.
Lipscomb.	Wilson.
Lloyd.	Yett.

Nays—2.

Odell.	Potter.
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Absent.

Harris of Hunt.	Swann.
Stafford.	

Absent—Excused.

Grinnan.	Sebastian.
Johnson.	Turney.

Senator Hanger moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

## REGULAR ORDER—SENATE BILL NO. 10.

The Chair then laid before the Senate, on its third reading and final passage,

Senate bill No. 10, A bill to be entitled

"An Act to authorize the International & Great Northern Railroad Company to purchase, own and operate as a part of its line the railroad of the Calvert, Waco & Brazos Valley Railroad Company, together with all the franchises and property incident or appertaining thereto; and to authorize the Calvert, Waco & Brazos Valley Railroad Company to sell its said railroad, together with all the franchises and property incident or appertaining thereto to the International & Great Northern Railroad Company; and to authorize said International & Great Northern Railroad Company to issue and negotiate its bonds, secured or to be secured by mortgage or mortgages, subject to the laws of the State of Texas governing the issuance and negotiation of bonds by railroad companies; and to authorize said International & Great Northern Railroad Company to construct, own and operate as part of its line the unfinished portion of the railroad of said Calvert, Waco & Brazos Valley Railroad Company, between the termini of the latter company as defined in its charter and amendments thereto, and to construct, own and operate as part of its line extensions and branches thereof under or as authorized in and by the charter of said International & Great Northern Railroad Company, or any amendment thereof made or to be made in pursuance of general laws of the State of Texas; to regulate reports of the property to be purchased from said Calvert, Waco & Brazos Valley Railroad Company and the operation thereof, after the purchase thereof by said International & Great Northern Railroad Company, and to prescribe the conditions upon which said purchase and sale shall take effect and be dependent; and to authorize said companies to execute all necessary contracts, agreements and conveyances to accomplish said purchase and sale."

#### HOUSE MESSAGE.

Messenger from the House of Representatives being announced, the following message was delivered:

Hall of the House of Representatives.

Austin, Texas, January 19, 1901.

To Hon. J. N. Browning, President of the Senate.

MR. PRESIDENT: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 36, A bill to be entitled "An Act to regulate the terms and to fix the times for holding the district court in the Twenty-third Judicial District of Texas, and to regulate and validate the

returns of all writs and process heretofore and hereafter issued from the district courts of said judicial districts, and to repeal all laws and parts of laws in conflict with this act, and declaring an emergency."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

#### SENATE BILL NO. 10.

Action recurring on final passage of Senate bill No. 10,

The bill was read third time and passed by the following vote:

Yeas—22.

Beaty.	Odell.
Davidson of	Patterson.
Galveston.	Paulus.
Dibrell.	Savage.
Goss.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Turner.
James.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.
Neal.	

Nays—2.

McGee.	Potter.
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Absent.

Davidson of	Harris of Hunt.
DeWitt.	Swann.
Absent—Excused.	
Grinnan.	Sebastian.
Johnson.	Turney.

Senator Hanger moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### SENATE BILL NO. 30.

The Chair then laid before the Senate the regular order, on its third reading and final passage,

Senate bill No. 30, A bill to be entitled "An Act for the relief of railway corporations and belt and suburban railway companies, having charters granted or amended since the first day of January, 1887, and which have failed, or about to fail, to construct their roads and branches, or any part thereof, within the time required by law."

Bill read third time, and passed by the following vote:

Yeas—24.

Beaty.	Dibrell.
Davidson of	Goss.
DeWitt.	Hanger.
Davidson of	Harris of Bexar.
Galveston.	James.

Lipscomb.	Potter.
Lloyd.	Savage.
McGee.	Stafford.
Miller.	Staples.
Neal.	Turner.
Odell.	Wayland.
Patterson.	Wheeler.
Paulus.	Wilson.

Absent.

Harris of Hunt.	Yett.
Swann.	

Absent—Excused.

Grinnan.	Sebastian.
Johnson.	Turney.

Senator Potter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 8.

The Chair then laid before the Senate, on its second reading and passage to engrossment,

Senate bill No. 8, A bill to be entitled "An Act to amend Article 650, Title VIII, of the Code of Criminal Procedure of the State of Texas, relating to the summoning of jurors on special venire cases."

Bill read second time, and ordered engrossed.

## SENATE BILL NO. 15.

The Chair then laid before the Senate, on its second reading and passage to engrossment,

Senate bill No. 15, A bill to be entitled "An Act to provide for the selection or appointment of special county judges in condemnation proceedings, as provided for in Chapter 8, Title XCIV, of the Revised Civil Statutes of the State of Texas, when the county judge is disqualified," with the following committee amendment:

"Amend Section 1 by adding the following: 'Provided, that any time before such disqualification is so certified to the Governor the parties by agreement may select such special judge.'"

The amendment was read, and adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Davidson of Galveston, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Beaty.	Davidson of
Davidson of	Galveston.
DeWitt.	Dibrell.

Goss.	Patterson.
Hanger.	Paulus.
Harris of Bexar.	Potter.
James.	Savage.
Lipscomb.	Stafford.
Lloyd.	Turner.
McGee.	Wayland.
Miller.	Wheeler.
Neal.	Wilson.
Odell.	

Absent.

Harris of Hunt.	Swann.
Staples.	

Absent—Excused.

Grinnan.	Sebastian.
Johnson.	Turney.

Bill was read third time, and pending action on final passage, the Chair announced the hour of 11 o'clock a. m., the time for the Senate to go into executive session upon the nominations of his Excellency the Governor, and, accordingly, the chamber was cleared.

## AFTER EXECUTIVE SESSION.

In executive session the following confirmations were had:

Secretary of State—John G. Tod, of Harris county.

Assistant Attorney General—Robert A. John, of Williamson county.

Adjutant General—Thomas Scurry, of Dallas county.

Commissioner of Agriculture, Insurance, Statistics and History—Jefferson Johnson, of Travis county.

State Health Officer—W. F. Blunt, of Caldwell county.

State Revenue Agent—Joe Lee Jameson, of Bexar county.

State Purchasing Agent for Eleemosynary Institutions—C. P. Dodge, of Bell county.

Superintendent of Public Buildings and Grounds—Sam Harlan, of Travis county.

Superintendent of Penitentiaries—J. S. Rice, of Tyler county.

Assistant Superintendent of Penitentiaries at Huntsville—J. G. Smither, of Walker county.

Assistant Superintendent of Penitentiaries at Rusk—W. M. Lacy, of Anderson county.

Assistant Superintendent of House of Correction and Reformatory at Gatesville—L. J. Tankersley, of Bell county.

Financial Agent for Penitentiaries—W. M. C. Hill, of Dallas county.

Inspectors of Penitentiaries—T. S. Cavin, of Harrison county; T. H. Spooner, of Gonzales county.

Board of Pardon Advisers—R. K.



Smoot, of Travis county; H. E. Shelley, of Travis county.

State Fish and Oyster Commissioner—I. P. Kibbe, of Victoria county.

Judge of the Fifty-sixth Judicial District—R. M. Franklin.

#### SENATE BILL NO. 15.

After executive session, action recurring on final passage of Senate bill No. 15,

Senator Odell offered the following amendment:

"Amend line 4, page 2, by adding after the word 'necessity' the following, 'and emergency.'"

The amendment was read and adopted by the following vote:

#### Yeas—24.

Beaty.	Miller.
Davidson of	Neal.
DeWitt.	Odell.
Davidson of	Patterson.
Galveston.	Paulus.
Dibrell.	Potter.
Goss.	Savage.
Hanger.	Stafford.
Harris of Bexar.	Staples.
James.	Turner.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
McGee.	Wilson.

#### Absent.

Harris of Hunt.	Yett.
Swann.	

#### Absent—Excused.

Grinnan.	Sebastian.
Johnson.	Turney.

The bill then passed by the following vote:

#### Yeas—23.

Beaty.	Neal.
Davidson of	Odell.
DeWitt.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Goss.	Savage.
Hanger.	Stafford.
Harris of Bexar.	Staples.
James.	Turner.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
McGee.	Wilson.
Miller.	

#### Absent.

Dibrell.	Swann.
Harris of Hunt.	Yett.

#### Absent—Excused.

Grinnan.	Sebastian.
Johnson.	Turney.

Senator Davidson of Galveston moved to reconsider the vote by which the bill was passed and lay that motion on the table.

#### HOUSE CONCURRENT RESOLUTION NO. 4.

The Chair then laid before the Senate, House Concurrent Resolution No. 4, Providing for the appointment of a committee of three on the part of the House and a like number on the part of the Senate to arrange for the election of a United States Senator (see House message above).

The resolution was read, and adopted, after which,

The Chair named Senators Potter, Hanger and Odell as the committee on part of the Senate.

#### REGULAR ORDER—SENATE BILL NO. 16.

The Chair then laid before the Senate, on its second reading and passage to engrossment,

Senate bill No. 16, A bill to be entitled "An Act to amend Article 4445 of the Revised Civil Statutes of the State of Texas, and to authorize railroad corporations to acquire right of way for the purpose of shortening the line or reducing the grades, and to acquire land for reservoirs for water supply and to provide that the limitation of width prescribed in Article 4425 of the Revised Civil Statutes of the State of Texas shall apply only to real estate acquired for right of way; and to provide that real estate, or any interest therein, that may be acquired for any purpose other than right of way, need not adjoin or abut on the right of way."

The bill was read second time.

Pending further action,

Senator Savage moved the bill be postponed until next Wednesday and made a special order for 11 o'clock a. m. A rising vote on which motion developed no quorum, and the Chair ordered the roll called.

Motion to postpone was lost by the following vote:

#### Yeas—9.

Beaty.	Lloyd.
Davidson of	Miller.
DeWitt.	Savage.
Dibrell.	Wayland.
Lipscomb.	Wheeler.

#### Nays—14.

Davidson of	Harris of Bexar.
Galveston.	James.
Goss.	McGee.
Hanger.	Neal.

Odell.	Stafford.
Patterson.	Turner.
Paulus.	Wilson.
Potter.	

Absent.

Harris of Hunt.	Swann.
Staples.	

Absent—Excused.

Grinnan.	Sebastian.
Johnson.	Turney.

Bill was ordered engrossed.

## SENATE BILL NO. 23.

The Chair then laid before the Senate the regular order, on its second reading and passage to engrossment,

Senate bill No. 23, A bill to be entitled "An Act regulating the granting of injunctions," with the following committee amendment:

"Amend by adding after the words 'said suit,' in Section 2 of the bill, the following: 'Or by any court having jurisdiction under the Constitution and laws of this State to issue the writ of injunction as applied for in said cause.'"

The bill was read second time, and the committee amendment adopted.

Senator Potter offered the following amendment:

"Amend Section 2 by striking out all of Section 2 and inserting the following: 'Such injunction shall be granted by and issued out of any court of the county in which such levy was made or from which the writ so levied was issued having jurisdiction thereof under the Constitution and laws of this State.'"

The amendment was read and adopted, after which the bill was ordered engrossed.

## SENATE BILL NO. 26.

The Chair then laid before the Senate, on its second reading and passage to engrossment, the regular order,

Senate bill No. 26, A bill to be entitled "An Act to amend Article 3343, Revised Civil Statutes of the State of Texas, relating to limitation of actions for lands, tenements or hereditaments."

The bill was read second time, and pending further action,

On motion of Senator Turner, the bill went to the table subject to call.

## SENATE BILL NO. 32.

The Chair then laid before the Senate, on its second reading and passage to engrossment, the regular order,

Senate bill No. 32, A bill to be entitled "An Act to prohibit the use of money or

other thing of value in a primary election; to prohibit the hiring or employment, either directly or indirectly, of any person to work or electioneer in the interest of any candidate seeking a nomination to any office at any primary election held by authority of any political party; to require each candidate seeking such a nomination to file with the county clerk of the county in which he resides a complete and accurate statement, under oath, showing each and every item of expense incurred by him in connection with his candidacy; to define a primary election, and for other purposes."

Bill was read second time, and

On motion of Senator Davidson of DeWitt, the bill went to the table subject to call.

## SENATE BILL NO. 45.

The Chair then laid before the Senate, on its second reading and passage to engrossment, the regular order,

Senate bill No. 45, A bill to be entitled "An Act to amend Article 719, of Chapter 5, Title VIII, of the Code of Criminal Procedure of 1895, relating to the charge of courts in misdemeanor cases."

## BILLS SIGNED.

Pending action on which the Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

Senate bill No. 20, "An Act to reorganize the Twenty-eighth Judicial District, transferring the county of Duval from the Forty-ninth to the Twenty-eighth Judicial District, and fixing the times of holding the terms of the district court therein."

And Senate bill No. 2, "An Act to amend Section 1, of Chapter 152, of the Acts of the Twenty-sixth Legislature, sent to the Governor for approval on the 27th day of May, 1899, amending Article 5001, Title CII, of the Revised Civil Statutes of the State of Texas of 1895, relating to the stock law."

## SENATE BILL NO. 45.

The bill was read second time, and

Senator Dibrell offered the following amendment:

"Amend the bill by striking out the word 'all,' in line 14."

The amendment was read, and adopted.

After which the bill was ordered engrossed.

## SENATE BILL NO. 52.

The Chair then laid before the Senate, on its second reading and passage to engrossment, the regular order,

Senate bill No. 52, A bill to be entitled "An Act to amend Article 889, Title X, of the Code of Criminal Procedure of the State of Texas, relating to appeals from the judgments of justices of the peace and other inferior courts to the county court, and to repeal all laws and parts of laws in conflict therewith."

The bill was read second time, and ordered engrossed.

#### SENATE BILL NO. 53.

The Chair then laid before the Senate, on its second reading and passage to engrossment, the regular order,

Senate bill No. 53, A bill to be entitled "An Act regulating the printing of election tickets to be voted at any State, district, county, precinct or municipal election or primary election in this State; defining the duties of those charged with the responsibility of providing election tickets, with reference to the preparation of such tickets; providing for the endorsement of such regularly prepared tickets as official by the county judge of the county wherein such ticket is to be voted; prohibiting the printing or circulating of election tickets not so prepared and endorsed as official, and providing a penalty therefor," with the following committee amendment:

"Strike out the word 'fusion,' on page 2, line 7, of the bill, and insert in lieu thereof the word 'mixed.'"

The bill was read second time, and the committee amendments adopted.

On motion of Senator Hanger, the bill went to the table subject to call.

#### SENATE BILL NO. 54.

The Chair then laid before the Senate, on second reading and passage to engrossment, the regular order,

Senate bill No. 54, A bill to be entitled "An Act to amend Article 4576, of Chapter 13, Title XCIV, of the Revised Statutes of this State."

The bill was read second time, and ordered engrossed.

#### COMMITTEE REPORT.

By unanimous consent the following privileged committee report was sent to the Secretary's desk:

Committee Room,

Austin, Texas, January 17, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate Joint Resolution No. 3, Amend-

ing Article 6, Section 2, of the Constitution of the State of Texas, requiring all persons subject to a poll tax to have paid a poll tax and to hold a receipt for same before they offer to vote at any election in this State, and fixing the time of payment of said tax,

And find the same correctly engrossed.

BEATY, Chairman.

#### REGULAR ORDER—SENATE BILL NO. 57.

The Chair then laid before the Senate, on its second reading and passage to engrossment, the regular order,

Senate bill No. 57, A bill to be entitled "An Act to provide for the standard weight of a bushel of certain fruits and vegetables."

The bill was read second time, and

Senator Lloyd offered the following amendment:

"Amend by striking out all after the words 'An Act' and insert the following:

"To amend Article 5320, Title CIX, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, 1895, so as to read as follows:

"Article 5323. The following shall be legal number of pounds per bushel: Wheat, sixty pounds; corn shelled, fifty-six pounds; corn in the ear, shucked, seventy pounds; unshucked in the ear, seventy-two pounds; oats, thirty-two pounds; barley, forty-eight pounds; rye, fifty-six pounds; buckwheat, forty-two pounds; white beans, sixty pounds; Irish potatoes, sixty pounds; sweet potatoes, fifty-five pounds; onions, fifty-seven pounds; turnips, fifty-five pounds; dried apples, twenty-eight pounds; dried peaches, twenty-eight pounds; bran, twenty pounds; Hungarian grass seed, forty-eight pounds; hemp seed, forty-four pounds; flax seed, fifty-six pounds; stone coal, eighty pounds; charcoal, twenty-two pounds; salt, fifty pounds; clover seed, sixty pounds; timothy seed, forty-five pounds; cotton seed, thirty-two pounds; millet seed, fifty pounds; peaches, fifty pounds; tomatoes, fifty-five pounds; apples, forty-five pounds."

The amendment was read, and adopted, whereupon the bill as amended was ordered engrossed.

#### SENATE BILL NO. 60.

The Chair then laid before the Senate, on its second reading and passage to engrossment, the regular order,

Senate bill No. 60, A bill to be entitled "An Act to punish laborers who violate either written or verbal contracts, and to provide a penalty for effecting

breaches of contract between employer and employe," with unfavorable majority and favorable minority committee reports.

The bill was read second time, and

On motion of Senator Turner the bill and committee reports went to the table, subject to call.

Senator Patterson moved that the Senate stand adjourned until 10 o'clock a. m., Tuesday.

Senator Potter moved that the Senate stand adjourned until 10 o'clock a. m., Monday.

Action being on the longest time first, the motion of Senator Patterson prevailed, and the Senate, at 12:12 o'clock p. m., adjourned until 10 o'clock a. m., Tuesday.

#### TENTH DAY.

Senate Chamber,  
Austin, Tex., Tuesday, Jan. 22, 1901.

Senate met pursuant to adjournment. Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

#### Present—26.

Beaty.	Neal.
Davidson of	Odell.
DeWitt.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Goss.	Sebastian.
Grinnan.	Stafford.
Harris of Bexar.	Staples.
Harris of Hunt.	Swann.
James.	Turner.
Lipscomb.	Wayland.
McGee.	Wheeler.
Miller.	Wilson.

#### Absent—3.

Hanger.	Yett.
Lloyd.	

#### Absent—Excused.

Johnson.	Turney.
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Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of Friday,

On motion of Senator Turner, the same was dispensed with.

#### EXCUSED.

On motion of Senator Wayland, Senator Harris of Hunt was excused for non-attendance upon the Senate for Friday, last, on account of sickness.

#### COMMITTEE REPORTS.

The following committee reports were sent to the Secretary's desk:

Committee Room,  
Austin, Texas, January 21, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 20, being a bill to be entitled "An Act to reorganize the Twenty-eighth Judicial District, transferring the county of Duval from the Forty-ninth to the Twenty-eighth Judicial District, and fixing the times of holding the terms of the district court therein,"

And find the same correctly enrolled, and have this day, at 10:10 a. m., presented the same to the Governor for his approval.

WILSON, Chairman.

Committee Room,  
Austin, Texas, January 21, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 2, being a bill to be entitled "An Act to amend Section 1, of Chapter CLII, of the Acts of the Twenty-sixth Legislature, sent to the Governor for approval on the Twenty-seventh day of May, 1899, amending Article 5001, Title CII, of the Revised Civil Statutes of the State of Texas of 1895, relating to the stock law,"

And find the same correctly enrolled, and have this day, at 11:15 a. m., presented the same to the Governor for his approval.

WILSON, Chairman.

Committee Room,  
Austin, Texas, January 22, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 15, being a bill to be entitled "An Act to provide for the selection or appointment of special county judges in condemnation proceedings, as provided for in Chapter 8, Title XCIV, of the Revised Civil Statutes of the State of Texas, when the county judge is disqualified,"

And find the same correctly engrossed.

BEATY, Chairman.